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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DONALD EDWARD LARUE JOHNSON,
JR.,

Civ. No. 06-3036-AA

ORDER

Plaintiff,

vs.

HARPER/COLLINS, ET AL.,
DELAWARE PRENTICE HALL CO.
SYSTEM,

Defendants.

AIKEN, Judge:

Plaintiff, appearing *pro se*, filed a complaint against defendant HarperCollins Publishers L.L.C. alleging that defendant violated federal copyright and "Major League Baseball" antitrust laws by publishing his likeness without permission in a biography published by defendant in the early 1990s. On August 1, 2006, I granted defendant's motion to dismiss, finding that plaintiff abandoned his claims of antitrust and copyright violations, and that any claim based on a right of publicity was barred by the statute of limitations.


Defendant now moves for an award of attorney fees in the amount of \$3,819.00 pursuant to 17 U.S.C. § 505, which grants the court discretion to award attorney fees to a prevailing party. Defendant argues that plaintiff's copyright claim was frivolous and objectively unreasonable, and that plaintiff recognized this fact when he abandoned his copyright claim. Although plaintiff's claim lacked merit, I decline to issue an award of attorney fees against a *pro se* plaintiff in this case.

CONCLUSION

Defendant's motion for an award of attorney fees (doc. 21) is DENIED.

IT IS SO ORDERED.

Dated this 31 day of August, 2006.



Ann Aiken
United States District Judge